

From: Andy Shih
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

To Whom This May Concern,

I was informed that I would be allowed to submit my opinion on the current proposed settlement between the Department of Justice and Microsoft for the ongoing antitrust case by what I consider to be a reputable mailing list. Please accept my apologies if this is not the case. However, if there is even the possibility that my voice may be heard, I will most gladly take the opportunity.

I feel that none of the proposed settlements and resolutions offered so far by either side is adequate. In fact, I feel that all the proposals I am aware of so far is far from acceptable. They all lack any regulations that will require a change in the anticompetitive behavior we have all witnessed committed by Microsoft. I congratulate Bill Gates and Microsoft with their achievement in creating products that are very useful to the majority of the world community. However, to leverage that success so that no one else can follow in their footsteps and rise to achieve what we all commonly call the American Dream is simply dispicable. Using special API's (Application Programming Interfaces) so that Microsoft products work better and faster than products made by other companies is unethical. Requiring hardware vendors to promote and use only Microsoft products is unethical. Bundling software, so that a consumer is forced to purchase is unethical. Basically, what Microsoft has done is to take away one of the most fundimental rights of not just all Americans, but all human kind. This is the inherent right to choose. By Microsoft's standards, it is either their way, or no way. That becomes the only choice. This is why whatever decision is made about the anticompetitive nature of Microsoft, this issue must be addressed.

In light of recent events, the only item of the three I have listed that I have seen addressed is the requirement by Microsoft that hardware vendors who promote Microsoft are rewarded, while those who do not are punished. However, to ignore the other two aspects of Microsoft's monopoly is to doom all of us to repeat this process all over again. To insure that the playing field is level for all, Microsoft must be forced to reveal ALL API's that come with all their applications, not just their OS. In this manner, any software and hardware vendor will have the ability to create new and innovative products that will be fully compatible with any Microsoft product. This should also not just be limited to established businesses, but the public in general. This is the most important point because at some point, any institution had to begin as an idea in the mind of an individual. Individuals must not be forgotten in this process, and be

given the same rights as any established institution.

Another issue I had raised is the bundling of software. The best example of this is what Microsoft had done with their operating systems and Internet Explorer. While I think that integrating and bundling a web browser with the operating system is something useful and innovative, the fact that Microsoft made it impossible for any other web browser to achieve this level of integration is what make the practice unethical and anticompetitive. Users need choice. If Microsoft wishes to integrate a web browser into their operating system, then so be it. However, the same opportunity must be present for other web browsers as well. There would not be an issue if users were able to choose among other browsers, such as Netscape or Opera, as their web browser of choice in the operating system, the the playing field will be level again for all competitors in this arena.

Microsoft may complain about the amount of work needed to bring about these changes, but it was due to their actions that we are mired in such a state. It is the responsibility of Microsoft as a corporation to bring about the changes necessary to fix this situation. If they are unwilling or afraid of the work required, then they can leave this industry. Capitalism and a free market dictates that someone will fill the void that they leave, have no fear of that.

This is my view of how the situation with Microsoft may be resolved.
Thank you for your time.

Sincerely,
Andy Shih

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